

ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DENKA PERFORMANCE  
ELASTOMER LLC,

*Petitioner,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY and LEE ZELDIN,  
Administrator of the U.S. Environmental  
Protection Agency,

*Respondents.*

Case No. 24-1135 (consolidated with  
Case Nos. 24-1228, 24-1246,  
24-1249, 24-1250, 24-1251, 24-1252)

**EPA’S STATUS REPORT**

Respondents United States Environmental Protection Agency and  
Administrator Lee Zeldin (“EPA”) hereby submit this status report in these  
consolidated cases.

1. These consolidated petitions seek review of EPA’s amendments to  
Clean Air Act emission standards that apply to the synthetic organic chemical  
manufacturing industry and certain polymers and resins industries. 89 Fed. Reg.  
42,932 (May 16, 2024). There are five Industry Petitioners bringing four petitions  
(Case Nos. 24-1135, 24-1249, 24-1250, and 24-1252), two State Petitioners (Case  
Nos. 24-1228 and 24-1246), and a consortium of Environmental Petitioners (Case

No. 24-1251). Collectively, Petitioners challenge whether EPA's action is consistent with its legal authorities and raise technical issues regarding the promulgated standards and EPA's consideration of data underlying those standards.

2. On December 30, 2024, the Court granted the Environmental Petitioners' motion to sever an issue and hold the severed case in abeyance. Doc. 2091937. And on January 17, 2025, Petitioners filed their opening briefs consistent with the operative scheduling order. Amici filed briefs on January 24.

3. On May 15, 2025, EPA granted administrative petitions to reconsider the challenged rule. *See* Doc. 2124862, Ex. 1.

4. On July 11, 2025, EPA moved to place these cases in abeyance for one year while EPA proceeds with the reconsideration process. Doc. 2124862

5. On July 15, 2025, upon consideration of EPA's motion, the Court ordered that the consolidated cases be held in abeyance pending further order of the Court, with status reports due at 120-day intervals and motions to govern due on July 10, 2026. Doc. 2125542. The first status report is due on December 5, 2025. Doc. 2147225.

6. This matter remains subject to reconsideration by the Agency. EPA's next status report is due on April 6, 2026.

Respectfully submitted,

ADAM R.F. GUSTAFSON

*Principal Deputy Assistant Attorney  
General*

*Of Counsel:*

MATTHEW MARKS

Office of the General Counsel  
U.S. Environmental Protection  
Agency  
Washington, D.C.

*s/ Brandon N. Adkins*

BRANDON N. ADKINS

ALEXANDER M. PURPURO

Environmental Defense Section  
Environment & Natural Resources  
Division

U.S. Department of Justice

P.O. Box 7611

Washington, D.C. 20044

Tel: (202) 598-9562 (Adkins)

Tel: (202) 353-5230 (Purpuro)

Fax: (202) 514-8865

Brandon.Adkins@usdoj.gov

Alexander.Purpuro@usdoj.gov

*Counsel for Respondents*

Dated: December 5, 2025

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2025, I electronically filed the foregoing EPA's Status Report with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: December 5, 2025

s/ Brandon N. Adkins  
BRANDON N. ADKINS  
Counsel for Respondents